

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

LUZ CARMARIE RODRIGUEZ FIGUEROA

DEBTOR

CASE NO. 19-05439/EAG

CHAPTER 13

**DEBTOR'S MOTION REQUESTING ORDER  
RE: RATIFICATION TO USE OF FUNDS FROM 2021 TAX REFUND**

TO THE HONORABLE COURT:

**NOW COMES, LUZ CARMARIE RODRIGUEZ FIGUEROA**, the Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Debtor's confirmed *Chapter 13 Plan* dated November 8, 2019, Docket No 14, provides that the Debtor's tax refunds will be paid into the Plan, in the above captioned case.

2. The Debtor received the 2021 tax refund (\$5,500.00). The Debtor did provide to Chapter 13 Trustee a copy of the Debtor's 2021 tax return.

3. The Debtor hereby respectfully admits that the funds from the aforementioned tax refund were not paid into the Plan and the Debtor forgot to request prior Court authorization for the use of the funds from above mentioned 2021 tax refund.

4. The Debtor respectfully states that she used the aforesated funds to pay for: back-to school and graduation expenses of her two sons (12<sup>th</sup> and 8<sup>th</sup> grade graduations) and certain extraordinary medical expenses incurred by the Debtor to attend to her medical condition. The monies from the Debtor's 2021 tax refund (\$5,500.00) were used to cover these expenses.

5. The Debtor respectfully submits that the failure to pay into the Plan the 2021 tax refund was an honest error not intended to trigger and absence of compliance with the

terms of the confirmed Plan, in the above captioned case.

6. That considering that the funds received by the Debtor for the 2021 tax refund were used for a “reasonable and necessary expense”, its use may be ratified by the Court, not be used for the confirmed Plan funding. 11 U.S.C. Section 105.

7. Based on the above-stated, the Debtor respectfully requests this Honorable Court to Order the ratification of the use of aforementioned 2021 tax refund, in the above captioned case.

**WHEREFORE**, the Debtor, through the undersigned attorney respectfully requests that this Honorable Court grant the foregoing motion and allow the use of the funds from the 2021 tax refund by the Debtor in the above captioned case.

**NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk’s office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.**

**I CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee; I also certify that a copy of this motion was sent via US Mail to Debtor Luz Carmarie Rodriguez Figueroa, to the address of record: Bo Palo Seco Buzon 207, Maunabo PR 00707.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 4<sup>th</sup> day of April,  
2023.

**/s/Roberto Figueroa Carrasquillo**  
RFIGUEROA CARRASQUILLO LAW OFFICE PSC  
USDC 203614  
ATTORNEY for the DEBTOR  
PO BOX 186  
CAGUAS PR 00726-0186  
TEL 787-744-7699/ 787-963-7699  
EMAIL: [rfe@rfigueroalaw.com](mailto:rfe@rfigueroalaw.com)